



MARION COUNTY GROWTH SERVICES

Date: 4/30/2021

P&Z: 4/26/2021 **BCC:** 5/18/2021

Application No:
210509Z

Type of Application
Rezoning

Request
From R-E Residential
Estate to A-1 General
Agriculture, for all
permitted uses

Owner
Robert and Karen
Martel

Parcel #/Acreage
14908-000-00 /
10.48 acres

Future Land Use
Low Residential

Existing Zoning
R-1 Single-Family
Dwelling

Staff
Recommendation
Approval

P&Z
Recommendation:
Approval (ON
CONSENT)

Project Planner
Kimberleigh Dinkins,
Sr. Planner



Item Summary

Staff is recommending **Approval** for a rezoning request from R-1 Single-Family Dwelling, on 3.1ac of 10.48acre parcel to A-1 General Agriculture for all permitted uses. The remaining 7.37 acres is already zoned A-1. The change in zoning will not adversely affect the public interest and is consistent with the current Comprehensive Plan. The request is also compatible with land uses in the surrounding areas. The site is currently vacant.

Public Notice

Notice of public hearing was mailed to 18 property owners within 300 feet of the subject property. There has been no written opposition at the time of this report's distribution.

Background

Location

The subject property is located on NE 56th St, a prescriptive road. It is between NE 25th Ave and NE 36th Ave Rd, about ¼ mi north of NE 49th St.

The following table summarizes adjacent future land use designations, zoning districts and existing uses:

| ADJACENT PROPERTY CHARACTERISTICS | | | |
|-----------------------------------|-----------------------------|----------------------------|--|
| Direction of Adjacency | Future Land Use Designation | Zoning | Existing Use/MCPA Property Class |
| North | Rural Land | R-1 Single-Family Dwelling | (01) Improved Residential |
| South | Low Density Residential | A-1 General Agriculture | (01) Improved Residential |
| West | Low Density Residential | A-1 General Agriculture | (08) Multi-Family 09 Units or Less Units (99) acreage/non-classified |
| East | Rural Land | A-1 General Agriculture | (99) Acreage/Non Classified |

Infrastructure

The access to the site is from NE 56th St (a prescriptive rd).

| ROADWAY STATUS AND CONDITIONS | | | | | | |
|-------------------------------|--------------|---------------|---------------------|-----------|-----------|----------------|
| Road | Class | Maint. Entity | Existing Conditions | | | |
| | | | Surface | No. Lanes | R/W Width | R/W Deficiency |
| NE 56 th St | Unclassified | Private | Unpaved | - | NA | 0' |

Request:

The applicant is requesting to rezone from R-1 Single-Family Dwelling to A-1 General Agriculture, for all permitted uses on a 3.1ac portion of a 10.48ac parcel.

Analysis:

The subject property has a dual zoning and the applicant seeks to obtain an A-1 zoning for the entire parcel. It is about ½ mile inside of the Urban Growth Boundary and within the primary Springs Protection Zone. The subject portion of the property has been designated R-1 since zoning was reinstated in 1982, likely due to responses to a survey taken at the time (anecdotal analysis).

The immediate surrounding properties are zoned A-1, General Agriculture, and the area is characterized by large lots developed as single family homes or in agricultural production. The area was designated Rural Land prior to the administrative Future Land Use Map amendment in 2013.

The application has been reviewed by the County's Development Review Committee (DRC) and no significant concerns were addressed by other departments.

In reaching its decision, the Commission will find:

a. Granting the proposed zoning change will not adversely affect the public interest. The subject property is 10.48 acres, which is slightly higher than the minimum lot size required for A-1 zoning. The A-1 zoning designation allows a number of agricultural activities by right, and places very little limitation on their intensity. However, surrounding parcels are being used for bona fide agriculture, per Property Appraiser records.

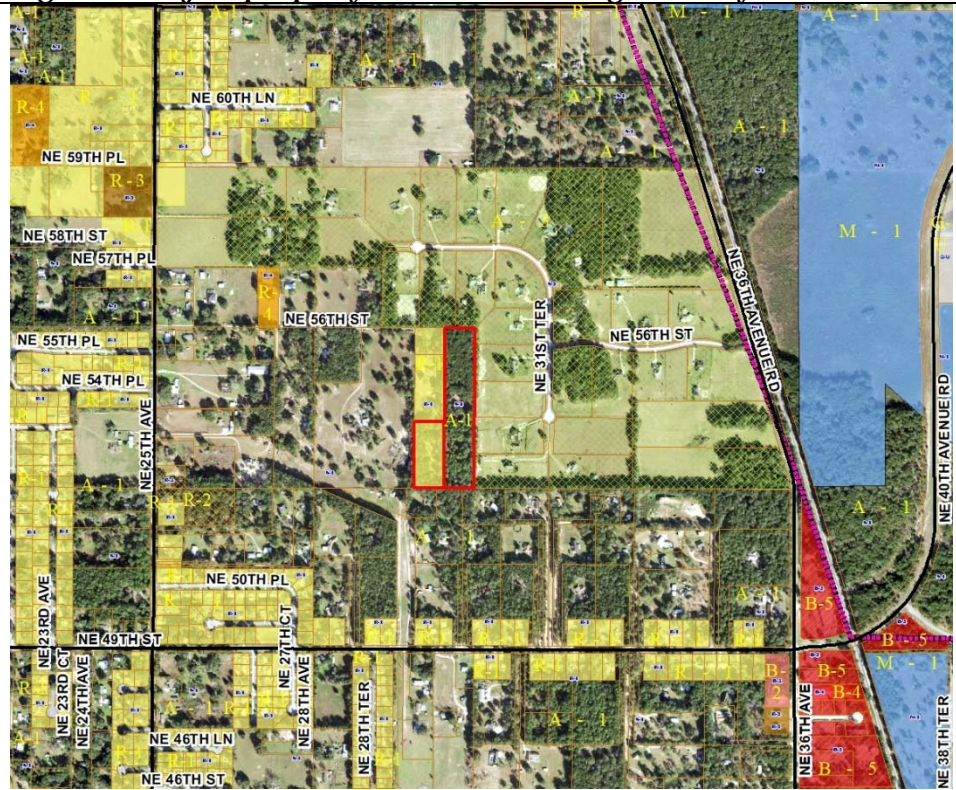
b. The proposed zoning change is consistent with the current Comprehensive Plan. The Marion County 2045 Future Land Use Map of the Comprehensive Plan designates the subject property as Low Residential. Because there is no minimum density for the Low Residential FLU, a parcel could meet the 10ac requirement for A-1 zoning. The subject property is a portion of a 10.48 acre parcel, which together meets the minimum zoning requirement.

c. The proposed zoning change is compatible with land uses in the surrounding area. The proposed rezoning to A-1 is consistent with the uses of vicinity properties. The adjacent and surrounding properties range in size from 1ac to 23.0 acres, and many are in agricultural production minimum size for A-1 zoning.

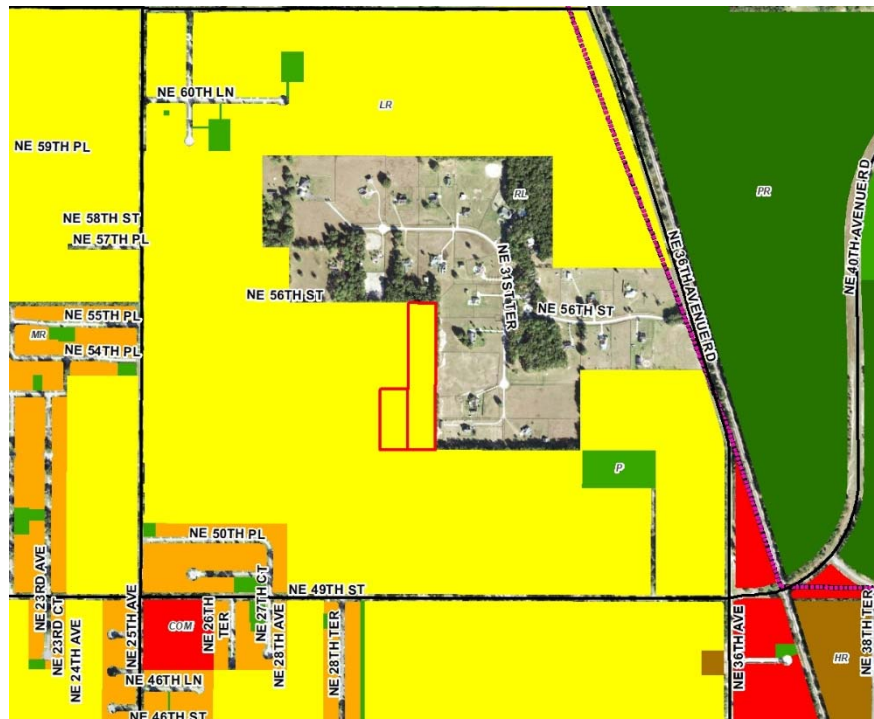
STAFF RECOMMENDATION: APPROVAL

**PLANNING & ZONING COMMISSION RECOMMENDATION:
APPROVAL (ON CONSENT)**

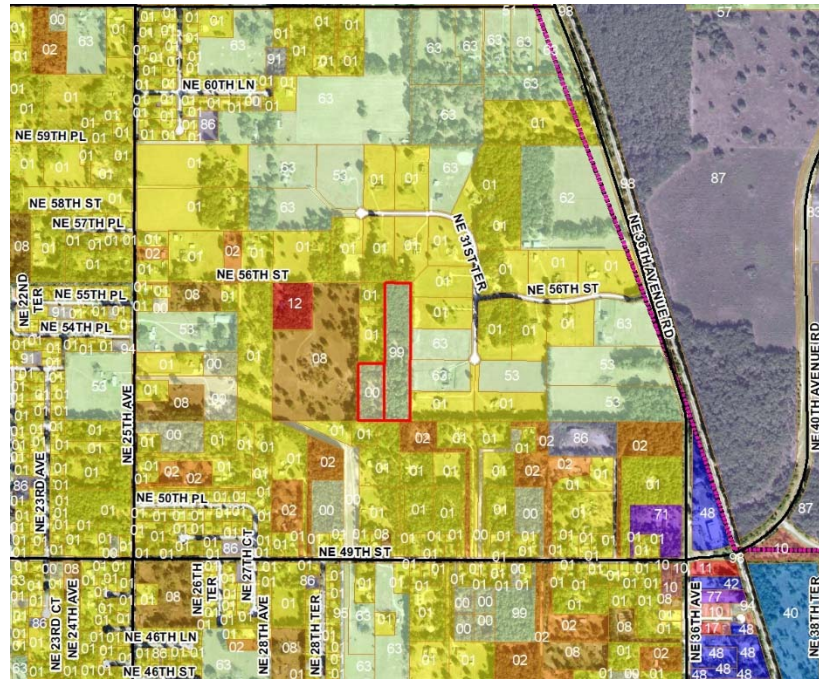
Zoning (The subject property is zoned R-1, Single Family Residential)



Future land use (The subject property has future land use of Low Density Residential.)



The surrounding area is predominantly single family homes and large residential or agricultural lots.



View of property from NE 56th St

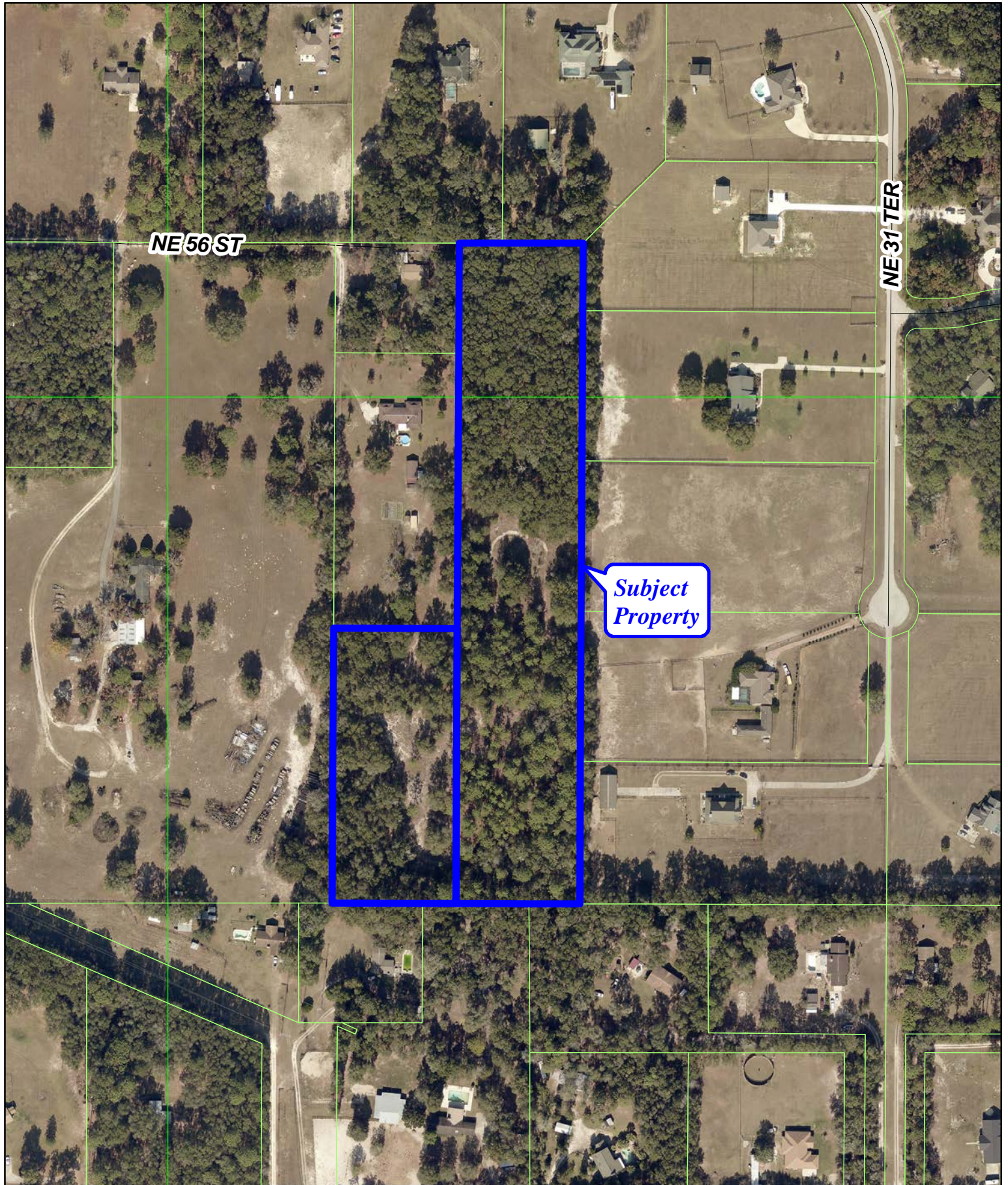


View of surrounding area (facing N and S of NE 56th St





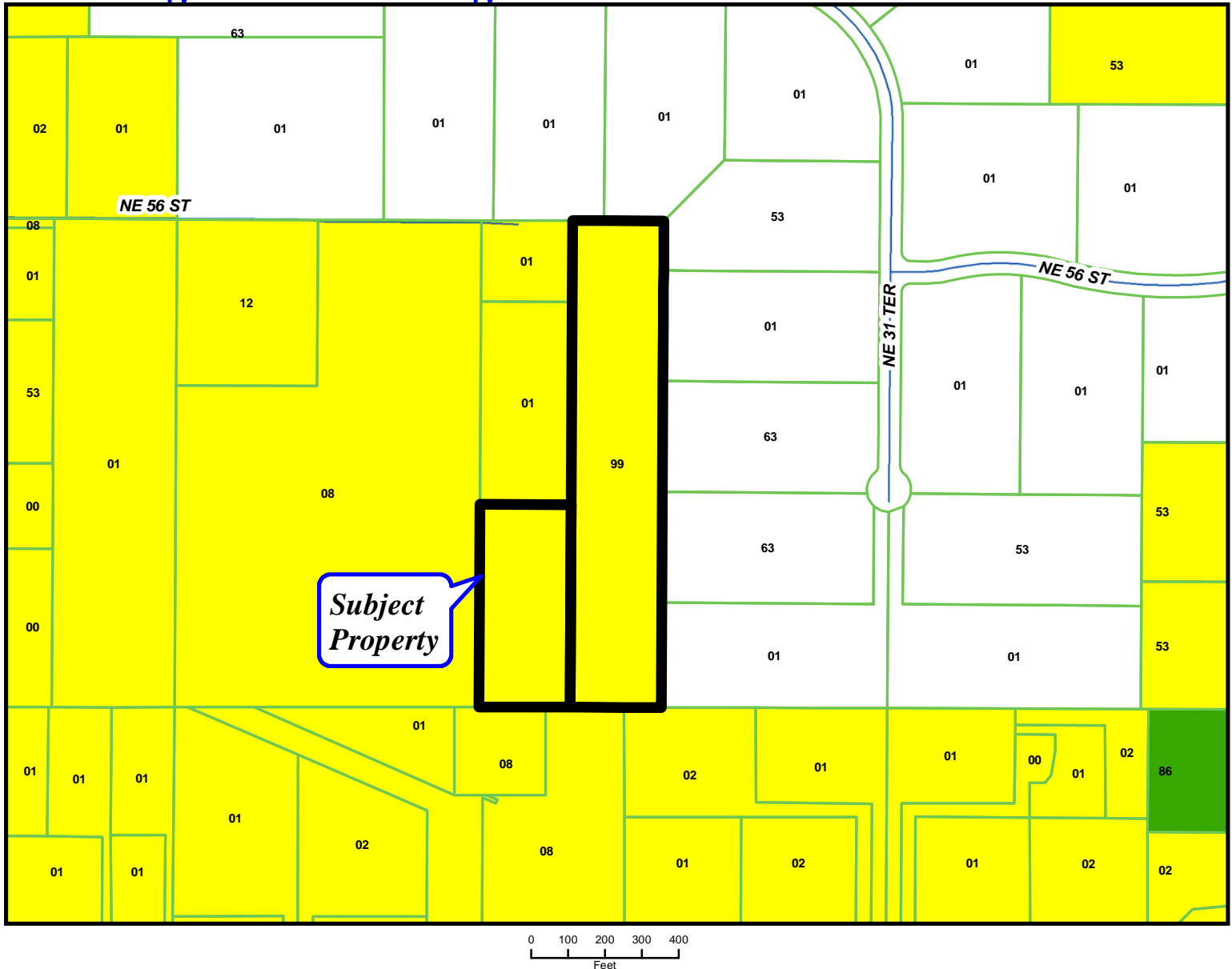
Aerial: 210509Z





0 150 300 450 600
Feet



Existing Land Use Designation 210509Z



| Use per MC Property Appraiser | | OWNER(S): Robert J. and Karen W. Martel | |
|-------------------------------|-----------------------|---|--|
| 01 | Single Family Res | AGENT: SAME | |
| 50-69/99 | Agricultural | | |
| 00/10/40/70 | Vacant | | |
| 71 | Church | PARCEL(S): 14908-000-00 | |
| 02 | Mobile Home | | |
| 06-07/11-39 | Commercial | | |
| 41-49 | Industrial |  <p>All provided GIS data is to be considered a generalized spatial representation, which is subject to revisions. The feature boundaries are not to be used to establish legal boundaries. For specific visual information, contact the appropriate county department or agency. The information is provided visual representation only and is not intended to be used as legal or official representation of legal boundaries.</p> | |
| 83-98 | Public | | |
| 82 | Recreation | | |
| 03-05/08 | Multi-Family | | |
| 77 | Club/Lodge/Union Hall |  | |

Legend

- All Amendments
- ☆ Policy 1.20
- Rural Land (1 du/10 ac)
- Low Residential (0 - 1 du/ac)
- Medium Residential (1 - 4 du/ac)
- High Residential (4 - 8 du/ac)
- Farmland Preservation Area
- Urban Residential (8 - 16 du/ac)
- Rural Activity Center (0 - 2 du/ac; FAR 0.35)
- Rural Community (0 - 3 du/ac; FAR 0.70)
- Commercial (0 - 6 du/ac; FAR 1.0)
- Environmentally Sensitive Overlay Zone (ESOZ)
- Employment Center (0 - 12 du/ac; FAR 2.0)
- Commerce District (N/A; FAR 2.0)
- Public (N/A; FAR 1.0)
- Preservation (N/A; N/A)
- Municipality



Marion County
Board of County Commissioners

Growth Management • Zoning

2710 E. Silver Springs Blvd.
Ocala, FL 34470
Phone: 352-438-2675
Fax: 352-438-2676

#2105093

AR# 26345

PA#S: 14908-000-00
and 14908-000-03

APPLICATION FOR REZONING

Application No.: #2105093

The undersigned hereby requests a zoning change of the Marion County Land Development Code, Article 4, Zoning, on the below described property and area, from R-1 14908-000-03 to A-1, for the intended use of:

FARMING

Legal description: (please attach a copy of the deed and location map)

Parcel account number(s): 14908-000-00 ^{7.37 ac.} & 14908-000-03 ^{3.11 ac.}

Property dimensions: 1320 x 247 / 550 x 247 Total acreage: 10.48 ✓

Directions: N OR NE 25 AVE TO NE 56 STREET
GO TO END OF ROAD

The property owner must sign this application unless he has attached written authorization naming an agent to act on his/her behalf.

ROBERT J. HANEN W. MARTEL

Property owner name (please print)

5425 NE 20th AVE

Mailing address

OCALA FL 34479

City, state, zip code

352 816-5236

Phone number (please include area code)

Applicant or agent name (please print)

Mailing address

City, state, zip code

Phone number (please include area code)

Signature

Signature

Please note: the zoning change will not become effective until 14 days after a final decision is made by the Marion County Board of County Commissioners. The owner, applicant or agent is encouraged to attend the public hearing where this application will be discussed. If no representative is present and the board requires additional information, the request may be postponed or denied. Notice of said hearing will be mailed to the above-listed address(es). All information given by the applicant or agent must be correct and legible to be processed. The filing fee is \$1,000.00, and is non-refundable. For more information, please contact the Zoning Division at 352-438-2675.

FOR OFFICE USE ONLY

RECEIVED BY: DM DATE: 3/2/2021 ZONING MAP NO.: 194

Rev. 6/10/2019

See. 27-14-22

"Meeting Needs by Exceeding Expectations"

www.marioncountylt.com

FRJ. 2021 03 0008
AR 26345

Marion County Board of County Commissioners
Growth Services
Planning & Zoning/Development Review Department
2710 East Silver Springs Boulevard, Ocala, FL 34470
Phone: (352) 438-2675 Fax: (352) 438-2676

#2105093

APPLICATION TO SUBDIVIDE/COMBINE REAL PROPERTY

PROPERTY OWNER(S): COMBINE BOTH 14908-000-03 &

PARCEL NUMBER(S): MARTEL, Karen & Robert 14908-000-00

PROPERTY INFORMATION: SECTION 27 TOWNSHIP 14 RANGE 22 ZONED R1 & A1

SIZE OF PROPOSED PARCEL(S): * IN PROCESS TO REZONE
THE R1 TO A1

According to the Marion County Land Development Code, Article 8.2, the described property can be divided/combined as follows:

_____ A parent tract 20 acres or greater _____

_____ A parcel of record for family division _____

_____ Lots in a platted subdivision _____

_____ Division by a court order _____

X Other: PLEASE USE parent parcel
14908-000-00 when
combined

This approval is based on information provided by owner that all other applicable codes and setback requirements on the resulting parcel(s) will be met.

APPROVED BY:

E. Madelon DATE: 3/2/2021
Zoning Technician

#2105093

MAP OF BOUNDARY SURVEY FOR and/or CERTIFIED TO:

DANNY R. JAMES, III

FITZGERALD DENNIS AND VILMA DENNIS, TRUSTEES OF THE
FITZGERALD DENNIS LIVING TRUST, DATED NOVEMBER 11, 2002,
ISAOA

KLEIN & KLEIN, LLC

FIRST AMERICAN TITLE INSURANCE COMPANY

DESCRIPTION: (AS FURNISHED)

PARCEL 1:

COMMENCE AT THE NE CORNER OF THE NE 1/4 OF THE SW 1/4
OF SECTION 27, TOWNSHIP 14 SOUTH, RANGE 22 EAST, MARION
COUNTY, FLORIDA, THENCE WEST ALONG THE NORTH BOUNDARY
OF SAID NE 1/4 OF THE SW 1/4 A DISTANCE OF 247.33 FEET,
THENCE IN A SOUTHERLY DIRECTION A DISTANCE OF 1319.675
FEET, MORE OR LESS, TO A POINT ON THE SOUTH BOUNDARY OF
SAID NE 1/4 OF THE SW 1/4 WHICH IS 247.33 FEET WEST OF
THE SE CORNER OF SAID NE 1/4 OF THE SW 1/4, THENCE EAST
ALONG THE SOUTH BOUNDARY OF SAID NE 1/4 OF THE SW 1/4
247.33 FEET TO THE SE CORNER OF SAID NE 1/4 OF THE SW
1/4, THENCE NORTH ALONG THE EAST BOUNDARY OF SAID NE
1/4 OF THE SW 1/4 A DISTANCE OF 1319.68 FEET TO THE POINT
OF BEGINNING

AND PARCEL 2:

TOGETHER WITH AN EASEMENT FOR ROADS AND EGRESS OVER
AND ACROSS THE NORTH 25 FEET OF THE FOLLOWING DESCRIBED
LAND:

COMMENCING AT THE NE CORNER OF THE NE 1/4 OF SW 1/4 OF
SECTION 27, TOWNSHIP 14 SOUTH, RANGE 22 EAST, MARION
COUNTY, FLORIDA, THENCE S.89°50'00"W. ALONG THE NORTH
BOUNDARY OF SAID NE 1/4 OF SW 1/4, 247.33 FEET FOR THE
POINT OF BEGINNING, THENCE SOUTH 120.00 FEET, THENCE
S.89°50'00"W. 247.33 FEET TO THE WEST BOUNDARY OF THE EAST
3/8 OF SAID NE 1/4 OF THE SW 1/4, THENCE N.0°00'00"W.
ALONG SAID WEST BOUNDARY 120.00 FEET TO THE NW CORNER
OF SAID EAST 3/8 OF THE NE 1/4 OF SW 1/4, THENCE
N.89°00'00"E. ALONG THE NORTH BOUNDARY OF SAID NE 1/4 OF
SW 1/4, 247.33 FEET TO THE POINT OF BEGINNING



14 908-000-03
R1 3.12 ACRES

14908-000-00
A-1 7.37 ACRES

MARK W. EVANS & ASSOC., INC. - LAND SURVEYORS

THE SURVEY DEPICTED HERE IS NOT COVERED BY PROFESSIONAL LIABILITY INSURANCE.

1. THIS SURVEY WAS MADE IN ACCORDANCE WITH THE FLORIDA SURVEYING ACT, CHAPTER 349, F.S., AND THE RULES OF THE FLORIDA BOARD OF SURVEYING, CHAPTER 61, F.A.C.

2. THE SURVEY WAS MADE BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND I AM A LICENSED SURVEYOR IN THE STATE OF FLORIDA.

3. I HAVE REVIEWED THE SURVEY AND IT IS CORRECT AND ACCURATE.

4. I HAVE REVIEWED THE SURVEY AND IT IS CORRECT AND ACCURATE.

5. I HAVE REVIEWED THE SURVEY AND IT IS CORRECT AND ACCURATE.

6. I HAVE REVIEWED THE SURVEY AND IT IS CORRECT AND ACCURATE.

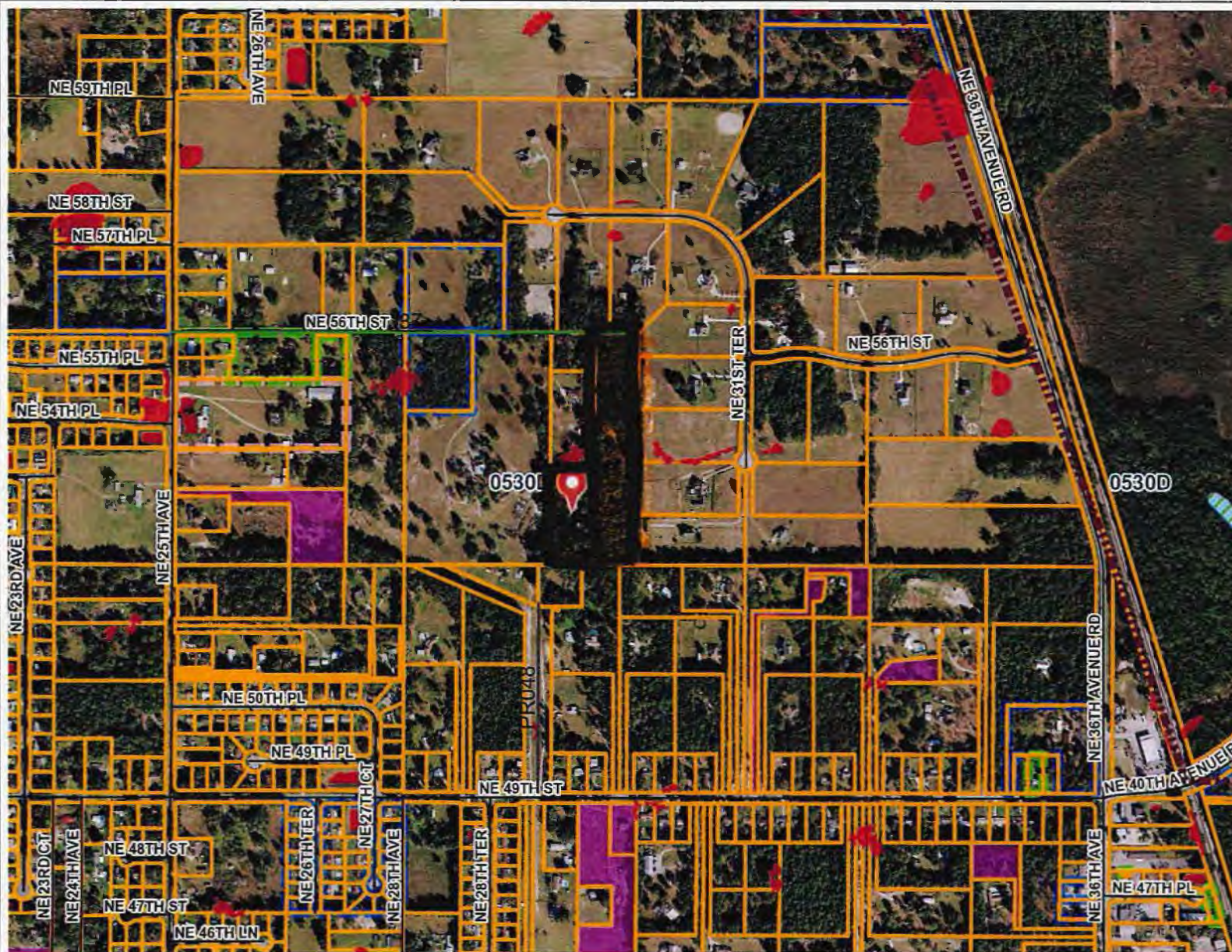
7. I HAVE REVIEWED THE SURVEY AND IT IS CORRECT AND ACCURATE.

8. I HAVE REVIEWED THE SURVEY AND IT IS CORRECT AND ACCURATE.

9. I HAVE REVIEWED THE SURVEY AND IT IS CORRECT AND ACCURATE.

10. I HAVE REVIEWED THE SURVEY AND IT IS CORRECT AND ACCURATE.

MARK W. EVANS & ASSOC., INC.
P.O. BOX 1358
OCALA, FL 34476
PH: (352) 887-1114
FAX: (352) 887-1114



Legend

- Urban Growth Boundary
- Prescriptive_Roads
- Judgement_Roads
- Streets
- Special Flood Hazard Areas - Chance Flood
 - A - No Base Flood Elevation Determined
 - AE - Base Flood Elevation Determined
 - AH - Area of Ponding 1-3 ft
- Other Areas
 - X - 0.2% Annual Chance Flood
 - X - 1% Annual Chance Flood Less
 - X - Areas Outside 0.2% Annual Chance Flood
- 2008 FIRM Panel
- Transitional Flood Prone Areas
- Flood Prone Areas
- Parcels
- Environmentally Sensitive Overlays

1: 10,210

1 in = 0.16 Miles



Notes

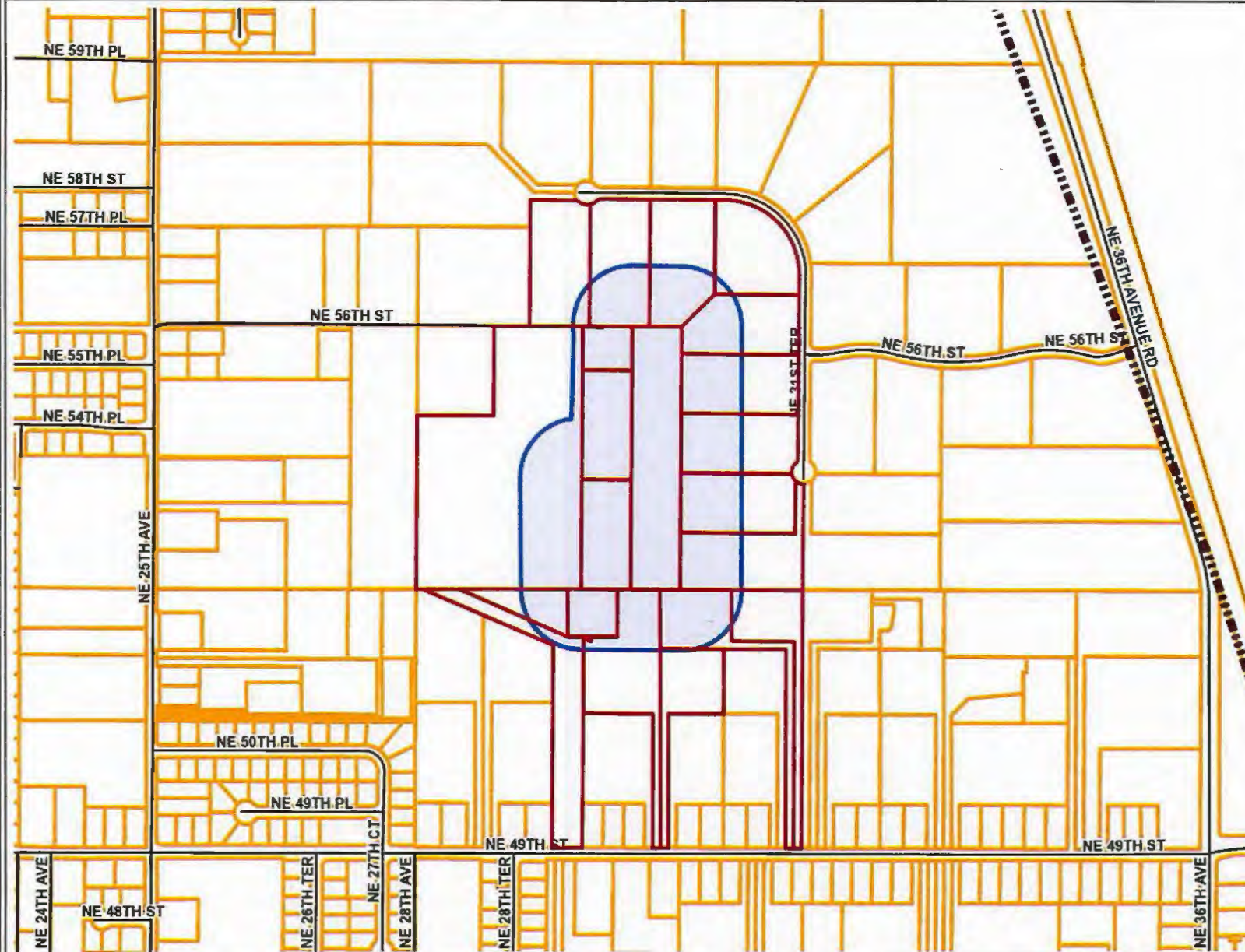
0.3 0 0.16 0.3 Miles

Projected Coordinate System: NAD_1983_StatePlane_Florida_West_FIPS_0902_Feet

Created By:

This map was produced by a Marion County employee using an online internal mapping viewer. All GIS features provided through the Marion County online internal mapping viewer are to be considered a generalized spatial representation which is subject to revisions. The GIS features shown hereon are not to be used as legal descriptions. For confirmation of details related to the GIS features, please contact the appropriate department or constitutional office.

Creation Date: 3/2/2021



Legend

- Urban Growth Boundary
- Streets
- Parcels
- Municipalities
- Marion County

1: 8,997

1 in = 0.14 Miles



Notes

C/O: N/A
AGENT: N/A

0.3 0 0.14 0.3 Miles

Projected Coordinate System: NAD_1983_StatePlane_Florida_West_FIPS_0902_Feet

Created By: dp

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Creation Date: 3/15/2021